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EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,856	GOTO ET AL.	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *35,36 and 38-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35,36 and 38-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/8/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This non-final office action is responsive to Applicant's Request for Continued Examination filed November 8, 2005 and subsequent amendments filed November 29, 2005 in which applicant canceled claims 1-34 and 37 and amended claims 35-36 and 38-45. Currently claims 35-36 and 38-45 are pending.

Response to Amendment

2. The objection to the title is withdrawn.

3. The USC 101 rejection of claims 42-44 is withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claims 35-36 and 38-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 35, Claim 35 recites the limitation "which sends the application information" in Claim 35. There is insufficient antecedent basis for this limitation in the claim.

Examiner interpreted the claim to read "which sends ~~the~~ application information" for the purposes of examination.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Bernasconi, Charles, U.S. Patent Publication No. 2005/0114195.

Regarding Claim 35 Bernasconi teaches an Internet-based system and method for the urgent (time-sensitive, critical, etc.) scheduling (hiring, assigning, dispatching, etc.) of employees (substitutes, temp-to-hire, etc.) to fill shortages (vacancies, absences, job openings/positions, etc.) in settled (predefined, existing, etc.) schedules (work shift plans, rosters, etc.) wherein a plurality of portable terminals ("wireless browser devices", Abstract) connected over a network to the system (server, ASP, etc.) enable a plurality of users to create, view, edit/update, distribute (push) and respond to job openings (absences; Paragraphs 0019-022) as well as manage a plurality of management and employee information stored in the system/method's database (Abstract; Paragraphs 0013, 0020-0022, 0044 and 0047; Figure 1).

More specifically Bernasconi teaches a work management system in which a management apparatus (system, device, component, program, etc.) is connected to a

plurality of portable terminals (computers, PDAs, phones, devices, etc.; "wireless browser devices", Abstract) wherein the management apparatus comprises:

- a sending subsystem (unit, code, program, device, etc.; a settled shift table sending unit; ASP, web server sending/publishing web pages; email/pager notifications; Paragraphs 0015, 0020, 0034-35, 0052; Figure 1, Elements 100, 110 and 140) which distributes (sends, forwards, displays, presents, etc.) a settled (agreed to, final, complete, established, etc.) employee shift schedule ("specified school/work site locations for specific absent employees/job openings", Abstract; time/work schedule, workshift, shift table, etc.) to portable terminals (wireless browser devices);

- a generation subsystem (recruiting information sending unit) which generates additional recruiting information (e.g. list of employees to contact, skills required, work site location, etc.) when work schedule (shift) cancellation request/information is sent from a portable terminal ("The option to enter a new absence is represented at 60. At point 60, the absent teacher's 50 screen defaults to the "New Absence" option. The reporting of an absence may be accomplished with as few as 3 clicks of the mouse... If that information is correct, the absent teacher simply clicks on the Submit Absence command button and the absence information is confirmed and then distributed immediately to all available and qualified substitutes.", Paragraph 0044; Paragraphs 0019-0020, 0044 and 0046; Figure 1, Element 60);

- a sending subsystem (recruiting information sending unit; "web server", "Internet pages", etc.; Paragraphs 0034 and 0044; Figure 1, Element 140) which sends the additional recruiting information to the portable terminals that are specified

(identified) as urgent ("selected", "pre-qualified", "appropriate"; vital, imperative, critical, short-term, etc.) recruiting destinations (employees, temps, temp agencies, etc.; "The present invention uses the "distributed technology" of the Internet to immediately make that absence and other information available to all appropriate personnel.", Paragraph 0023; Paragraphs 0029 and 0051-0052);

- a reception subsystem (application information reception unit) which receives application information (job opening/assigning acceptance, rejection, etc.) sent from arbitrary portable terminals in response to the additional recruiting information ("Substitute teacher 10 may preview details and select open job/s at option 20. They can mark the particular job, review details, click the Submit Request key and then confirm their choice/s. The ASP database system 100 automatically posts the assignment. The system immediately returns a confirmation number to the substitute and removes the job from the available jobs list.", Paragraph 0047; Abstract; Paragraphs 0020, 0024 and 0047; Figure 1, Element 100); and

- wherein the portable terminals (wireless browser devices, distributed technology; laptop, phone, personal digital assistant, handheld, kiosk, etc.) further comprise:

- a reception subsystem (modem, wireless transceiver, etc.) which receives the settled (confirmed, accepted, etc.) shift schedule (job opening, work assignment, shift table, workshift, schedule, etc.) and additional recruiting information (work site location, directions, lesson plans, etc.) from the management apparatus (Abstract; Paragraphs 0019, 0044-0046; Figure 1, Elements 10, 50 and 250); and

- a sending subsystem (wireless browser device) which sends work schedule/shift cancellation request/information and application information to the management apparatus (Abstract; Paragraphs 0019, 0044-0046).

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 38-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Lesaint et al., U.S. Patent No. 6,578,005.

Regarding Claim 38 Lesaint et al. teach a system and method for scheduling (allocating, assigning, dispatching, etc.) a plurality of employees (staff, personnel, "service operatives", etc.) wherein the distributed/mobile workforce interact with the work management system/method via portable devices ("handheld"; Figure 1, Elements H1-H3) to interact (view, edit, update, respond, etc.) to a periodically updated work shift schedule (Abstract; Column 2, Lines 60-68; Column 3, Lines 1-49; Figures 3-4 and 12-14).

More specifically Lesaint et al. teach a work management apparatus for generating a shift schedule (table, matrix, workshift, roster, grid, calendar, etc.) comprising:

- memory (file, database, etc.; Figure 2, Element 24; Figure 3, Element 32) that stores employee and management information (employee/management information file; Column 3, Line 1; Column 5, Lines 57-64);

- a shift generation subsystem that generates a temporary (initial, provisional, original, current, etc.) shift schedule (table) in which scheduled employee work times are temporarily (initially, provisionally, etc.) set based on the employee and management information (Column 3, Lines 15-18 and 30-44; Column 5, Lines 12-18; Column 8, Lines 13-17; Column 11, Lines 3-9; Figure 3, Elements 30 and 31);

- a sending subsystem (temporary shift table sending unit) that sends the temporary shift schedule (table, schedule, task assignments) to a plurality of portable terminals over a network (Column 6, Lines 51-68; Column 7, Lines 15-40; Figures 1-2);

- a reception unit (response information reception unit) that receives, over the network, temporary work schedule/shift response information (absences, task/job completion, sent from the plurality of portable terminals (Column 5, Lines 12-33; Column 7, Lines 15-40; Column 8, Lines 12-18; Column 9, Lines 28-44; Figures 1 and 3);

- a generation unit that generates a settled (final, complete, agreed to, current, etc.) shift schedule (workshift, schedule, task assignment, etc.) based on the employee response information (e.g. schedules an employee to fill-in/substitute for another who is

absent, running behind schedule or the like; Column 8, Lines 12-18; Column 9, Lines 28-44; "allocations processor 47"; Column 11, Lines 23-29; Column 24, Lines 43-47);

- a sending unit (message sending unit; Figure 4, Element 48) that automatically sends (distributes, alerts, provides, etc.) the settled shift schedule (task assignment) to the plurality of portable terminals over the network (Column 6, 51-65; Column 11, Lines 23-29; Column 9, Lines 28-44; Column 31, Lines 24-48; Figure 1, Elements N, X and C).

Regarding Claim 39 Lesaint et al. teach a work management system/method further comprising:

- a generating unit (scheduling means) that generates a temporary shift schedule (table, work schedule, etc.) and adds recruiting information (task description, location, skills, time, etc.) for recruiting (assigning, allocating, identifying, etc.) a required number of employees to fill the shortage when there is a shortage (absence, unavailability, etc.) of employees (staff, personnel, workers, etc.; Column 2, Lines 65-68; Column 5, Lines 12-33 and 51-56; Column 7, Lines 48-65; Column 9, Lines 28-44);

- a sending unit (temporary shift table sending unit) that sends the temporary (provisional, initial, etc.) shift schedule and added recruiting information to portable terminals that are specified (identified, represent) as urgent (vital, imperative, critical, short-term, etc.) recruiting destinations (e.g. employees that match the necessary profile – availability, skills, location, etc. to perform the urgent tasks/requests; "real-time"

scheduling of urgent tasks; Column 5, Lines 12-33 and 51-56; Column 9, Lines 28-44; Figure 1, Elements C, N and X);

- a generation unit (scheduling means, allocation processor, scheduler, etc.) that generates a settled (final, updated, etc.) shift schedule in which applying (available employees, employees requesting/adding tasks/jobs) employees are assigned (allocated, dispatched, etc.) to fill vacancies/shortages (tasks, assignments, jobs, etc.) in response to the response information/application (Column 5, Lines 12-33 and 51-56; Column 8, Lines 12-18; Column 9, Lines 28-44; Column 11, Lines 23-28; Figure 3, Elements 30-31; Figure 4, Element 47).

Regarding Claim 40 Lesaint et al. teach a work management system/method further comprising:

- a reception subsystem (cancellation information reception unit) that receives work schedule (shift) cancellation information/request, over the network, from arbitrary portable terminals (Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-33; Column 26, Lines 16-55);

- a generation subsystem (recruiting information generation unit) that generates recruiting information (required tasks/activities, location, skills, etc.) in response to the received work schedule cancellation information/request (i.e. when cancellation requests are received; Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-33; Column 26, Lines 16-55; Column 27, Lines 55-68; Column 28, Lines 1-9);

- a sending subsystem (recruiting information sending unit, message sending unit; Figure 4, Element 48) that sends, over the network, recruiting information to the portable terminals that are specified (identified) as urgent (vital, imperative, critical, short-term, etc.) recruiting destinations (Column 31, Lines 24-48; Figure 1, Elements C, N, X);

- a reception subsystem (application information reception unit) that receives, over the network, application (response) information from arbitrary portable terminals in response to the sent recruiting information ("although a high priority task may be scheduled for one specified technician initially, another technician who is suitably positioned and skilled to perform the task may be allocated that task if he calls in first, if to do so produces a net benefit to the schedules. The original schedule for the second technician is then suspended, and each task in that schedule will become unscheduled until a technician suited to the task calls in. This may be the first technician, if his technical skills and geographical location are suitable, and if he calls in before the task is allocated elsewhere.", Column 5 Lines18-28; Column 31, Lines 24-48); and

- wherein the generation subsystem (shift table/schedule unit, schedule generation means, schedule modifier) updates the settled shift schedule in accordance with the application (response, request) information received (Column 5 Lines18-28; Column 9, Lines 28-44; Column 31, Lines 24-48); and

- the sending subsystem (shift table/schedule sending unit) sends the updated settled shift schedule to the portable terminal that sent the application information

(message sending unit; Column 5, Lines 18-33; Column 31, Lines 24-48; Figure 4, Element 48).

Regarding Claim 41 Lesaint et al. teach a work management system/method further comprising:

- a display subsystem (unit) that displays a screen (graphical user interface, dialog box, window, etc.) for maintaining employee and management information (Column 5, Lines 57-64; Column 7, Lines 30-40; Figure 2, Element 23);

- a input subsystem that acquires information from the display subsystem (Column 2, Lines 60-64; Column 5, Lines 57-64; Column 7, Lines 30-40; Figure 2, Element 21); and

- memory that registers/updates (stores) employee and work management information acquired from the display/input subsystems (Column 3, Line 1; Column 5, Lines 57-64; Column 7, Lines 30-40; Figure 2, Element 24).

Regarding Claim 42 Lesaint et al. teach a work management method for using a management apparatus comprising:

- generating a temporary shift schedule (table, work shift, etc.) in which work schedules of employees are temporarily set based on employee and management information (Abstract; Column 2, Lines 65-68; Column 3, Lines 15-40;);

- sending, over the network, the temporary work/shift schedule (table) to each portable terminal (Column 5, Lines 12-56; Column 9, Lines 28-44;

- receiving, over the network, temporary shift schedule response information for each of the portable terminals (Column 5, Lines 12-56; Column 9, Lines 28-44; Column 25, Lines 21-40; Figures 12-14);

- generating a settled (final, agreed to, completed, updated, etc.) shift schedule (table) in accordance with the received response information (Column 3, Lines 2-49; Column 24, Lines 43-48; Column 31, Lines 24-68);

- sending, over the network, the settled shift schedule to each portable terminal (Column 24, Lines 43-48; Column 31, Lines 24-68; Figures 12-14).

Regarding Claim 43 Lesaint et al. teach a work management method further comprising:

- generating a temporary shift schedule (table) and adding recruiting information for recruiting a required number of employees to fill a shortage wherein there is a shortage of employees (breaks, absences, urgent requests, etc.; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 16-56);

- sending the temporary shift table and additional recruiting information to portable terminals that are specified/identified as urgent recruiting destinations (e.g. available employees/staff, staff requesting tasks/assignment; Column 9, Lines 29-44; Column 28, Lines 33-50; Column 31, Lines 24-60); and

- generating a settled shift schedule (table) in which applying (requesting) employees are assigned to fill vacancies/shortages (allocation processor; Column 4,

Lines 63-68; Column 11, Lines 23-29; Column 24, Lines 43-48; Column 31, Lines 24-60; Figure 4, Element 47).

Regarding Claim 44 Lesaint et al. teach a work management method further comprising:

- receiving, over the network, work schedule/shift cancellation (absence) information/request from an arbitrary portable terminal (break, absence, etc.; Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55);

- generating recruiting information in response to the received work schedule/shift cancellation information/request (Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55);

- sending the recruiting information to the portable terminals that are specified/identified as urgent recruiting destinations (Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55);

- receiving application information from an arbitrary portable terminal in response to the recruiting information (Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55); and

- updating the settled shift schedule (table) according to the received application information (Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55); and

- sending the updated settled shift schedule to the portable terminal that sent the application information (Column 5, Lines 11-56; Column 11, Lines 66-68; Column 12, Lines 1-11; Column 25, Lines 21-40; Column 26, Lines 1-55).

Regarding Claim 45 Lesaint et al. teach a computer-readable medium storing a program for controlling a computer to function as a work management system/method comprising:

- memory that stores employee and management information (Column 3, Line 1; Column 7, Lines 31-47; Column 11, Lines 58-65; Figure 2, Element 24; Figure 3, Element 32);

- a generation subsystem (routine, unit, pre-scheduler, etc.) that generates a temporary (provisional, initial, etc.) shift schedule (table) in which scheduled employee work times are temporarily set based on employee and management information Column 2, Lines 65-68; Column 3, Lines 35-49; Column 12, Lines 12-14; Figure 3, Elements 30-31);

- a sending subsystem (message generating unit; Figure 4, Element 48) that sends, over the network, the temporary shift schedule (work assignments, tasks, etc.) to a plurality of portable terminals (Column 31, Lines 24-38; Figure 1, Elements C, N, X);

- a reception subsystem that receives, over the network, response information from the plurality of portable terminals (Column 25, Lines 21-33);

- a generation subsystem (updating/modifying means, modifier, optimizer; Figure 3) that generates a settled work/shift schedule in accordance to the received response information (Column 3, Lines 2-28; Column 31, Lines 24-38) ; and

- a sending subsystem that automatically sends, over the network, the settled shift schedule to the plurality of portable terminals (Column 24, Lines 43-48; Column 31, Lines 24-38).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernasconi, Charles, U.S. Patent Publication No. 2005/0114195 as applied to claim 35 above and further in view of API's ActiveStaffer system/method as evidenced by at least the following Automating Peripherals Launches ActiveStaffer (1999).

Regarding Claim 36 Bernasconi teaches a work management system comprising a management apparatus connected to a plurality of portable terminals; the management apparatus comprising:

- a generation subsystem (recruiting information generation unit, server) that sets a number of employees (personnel, workers, staff, etc.) to be recruited (e.g. "recruit" one or more substitute/temp for each of the job openings/positions/shifts) and an additional recruiting period ("A certain time period, set by the school district/agency, allows the requested person/s to respond. (This notification of possible substitutes and temporary employees will be explained in depth later.) At the expiration of that time period, the job is then opened for other qualified substitutes or temporaries to select. Once a particular assignment has been filled, it is removed from the open jobs list.", Paragraph 0020) to generate additional recruiting information (job location, required skill

sets, et.) when staff vacancies in a settled (predetermined) shift schedule (job assignment, table, workshift, etc.) are above a predetermined number of employees/vacancies (i.e. greater than zero, wherein the system "recruits" temps/substitutes once there is at least one absence/vacancy entered; Paragraphs 0020-022, 0047 and 0052; Figure 1, Element 100);

- a sending subsystem (recruiting information sending unit; web server, Internet pages, email, e-page, etc.; Figure 1, Elements 100 and 140) which sends the additional recruiting information to the portable terminals of employees who can apply to fill the vacancies (Abstract; Paragraphs 0020-022, 0047 and 0052);

- an reception subsystem (application information reception unit; server) which receives application information sent from arbitrary portable terminals in response to the additional recruiting information (acceptance, rejection, etc.; Abstract; Paragraphs 0020-0021, 0024 and 0047; Figure 1, Element 100);

- a processing unit (recruiting processing unit) which that enables a person in charge to view/review unfilled job openings and execute an urgent-shift making routine (script, process, steps, method, code, program, etc.) when the number of applications received does not reach the number of employees to be recruited ("manual dispatch", "holdover", "over-ride"; Paragraphs 0022 and 0054; Figure 1; Elements 180 and 200); and

- wherein the portable terminals comprise:

- a reception subsystem which receives additional recruiting information from the management apparatus (Abstract; Paragraphs 0019, 0044-0046; Figure 1, Elements 10, 50 and 250); and

- a sending subsystem which sends application information to the management apparatus (Abstract; Paragraphs 0019, 0044-0046).

While Bernasconi teaches that the work management system/method enables users to view/review unfilled job openings and execute urgent-shift making routine (e.g. manually dispatching substitutes/temps to cover the shortage/vacancy) Bernasconi does not expressly teach that the system (processing unit) sends notification information to a person in charge or executing an urgent-shift making routine when the number of applications received does not reach the number of employees to be recruited as claimed.

ActiveStaffer teaches sending notification information to a person in charge when the number of staff (personnel, applicants for open/available/unscheduled shifts) does not reach the number of employees to be necessary to adequately cover the work schedule workload (e.g. there is a personnel/staff shortage/understaffing for which additional staff need to be recruited/allocated/dispatched), in an analogous art of employee scheduling for the purposes of for the purposes of enabling the person in charge to ensure staff/employee coverage (service, availability, etc.) remains at

desired/target/required levels (Abstract; Last Paragraph, Page 1; Paragraph 1 and Last Paragraph, Page 2).

More generally ActiveStaffer teaches a commercially available work management system and method for generating, updating and distributing shift schedules (schedule plans) that receives and accommodates (takes into account, revises the schedule, etc.) a plurality of cancellation request/information (e.g. absences, no-shows), shift sharing and employee self-scheduling. The article further teaches that the ActiveStaffer system/method alerts select personnel of staffing shortages/deficits as well as identified patterns of absences. ActiveStaffer further teaches that the work management system/method enables users (employees) to access the system via kiosks, workstations or the Internet.

It would have been obvious to one skilled in the art at the time of the invention that the work management system and method as taught by Bernasconi with its ability to enable users to view/review unfilled job openings and execute urgent-shift making routine (e.g. manually dispatching substitutes/temps to cover the shortage/vacancy) would have benefited from sending notification information to a person in change thereby enabling/prompting the person or the system to execute an urgent-shift making routine (i.e. take steps, such as hiring temporary workers or calling in additional staff, to address the employee/coverage shortage, when the number of employees (applications, responses, scheduled workers) is less than desired/required in view of the teachings of ActiveStaffer; the resultant system enabling the person in charge to ensure

staff/employee coverage (service, availability, etc.) remains at desired/target/required levels (ActiveStaffer: Abstract; Last Paragraph, Page 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shaffer et al., U.S. Patent No. 6,104,788, teach a system and method for scheduling users over a network.

- Dean et al., U.S. Patent No. 6,167,379, teach a system and method for scheduling users via portable terminals wherein schedules (calendars) are synchronized between the central system (server) and the portable terminal.

- Green, Elliot, U.S. Patent No. 6,192,346, teaches a work management system and method for generating work shift schedules for a plurality of employees wherein the system receives and responds to work shift schedule cancellation request/information (e.g. vacation requests).

- Dietz et al., U.S. Patent No. 6,408,337, teach a work management system and method for "managing" (hiring, scheduling, etc.) non-employee workers based on a plurality of employee and management information.

- Joao, Anthony, U.S. Patent no. 6,662,194, teaches a network-based system and method comprising a plurality of user terminals, including but not limited to handheld terminals, for recruiting workers to fill job openings/vacancies wherein prospective employees are notified of and apply for open positions/jobs.

- Powell et al., U.S. Patent Publication No. 2002/0065700, teach a system and method for dynamically scheduling a mobile workforce wherein an initial workforce schedule is continually/periodically/iteratively updated/modified based on a plurality of employee and management information.

- Glover et al., The General Employee Scheduling Problem (1986), teach a plurality of well known methods for generating shift schedules for a plurality of resources (employees) wherein the methods are based on a plurality of employee (part-time, full-time, etc.) and management information. Glover et al. further teach a shift scheduling method wherein the system iteratively generates and evaluates temporary shift schedules (trial solutions) until a final/completed shift schedule is determined/generated.

- Ozkarahan, Irem, A Flexible Nurse Scheduling Support System (1987) teaches a work management system and method for optimizing work shift schedules based on a plurality of employee and management information.

- Ozkarahan et al., Goal Programming Subsystem of a Flexible Nurse Scheduling Support System (1998), teach a work management system and method that generates, updates and distributes/publishes multiple work shift schedules (base schedule/solution, alternative solutions) based on a plurality of employee (vacation) and management information (shift patterns, demand, etc.).

- High-tech staff scheduling for banks (1998) teaches a commercially available work management system and method that continually generates, updates and distributes shift schedules for a plurality of employees based on a plurality of employee and management information. The article further teaches that the work management

system/method is utilized to assist in recruiting new employees wherein the system/method can "accurately represent the prospective work schedule to job candidates, both the candidates and institution are in a better position to know whether the fit is a good one."

- Thompson, Gary, Labor Scheduling Part 3 (1990) teaches several well known work management methods for generating shift schedules based on a plurality of management and employee information.

- Irvin et al., Self-scheduling with Microsoft Excel, teach a work management system and method, that utilizes the well-known self-scheduling approach/technique for workforce scheduling, wherein a initial/master shift schedule is generated and distributed to a plurality of users, users then send response information (schedule preferences, shift trades, etc.), the scheduled is updated and distributed, additional resources (e.g. temporary/float nurses) are identified and scheduled, and then a settled/final/completed shift schedule is generated and distributed. Irvin et al. further teaches that the work management system/method enables managers to evaluate the effect of removing/adding resources to the schedule (e.g. number/extent of vacant shifts).

- Dowsland et al., Solving a nurse scheduling problem with knapsacks, networks and tabu search (1999) teach a work management system and method (computer aided rostering environment) for generating, updating and presenting multiple employee (full-time, part-time, contract, etc.; nurse) work shift schedules (rosters) based on a plurality of employee and management information. Dowsland et al. further teach that the work

management system receives work shift cancellation request/information and corresponding revises/updates the work shift schedule.

- ScheduleSoft.com Web Pages (1999-2000) teaches a commercially available work management system and method wherein the system/method includes a plurality of terminals connected over a network as well as a plurality of subsystems for generating, updating, receiving, posting and distributing work shift schedules wherein the initial and subsequently revised/updated schedules are based on a plurality of employee and management information stored in one or more databases. The ScheduleSoft.com Web Pages further teaches that the work management apparatus receives/tracks cancellation request/information (leave, vacation, etc.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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